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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Contemporary
Forms of Slavery
Twenty-third session
18-28 May 1998

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General pursuant to paragraph 13 of resolution 1988/31 of the Sub-Commission

1. Election of officers

1. Rule 23 of the rules of procedure of the functional commissions of the Economic and Social Council provides that unless the Commission decides otherwise, its subsidiary organs shall elect their own officers.

2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Working Group on Contemporary Forms of Slavery is contained in document E/CN.4/Sub.2/AC.2/1998/1.

3. The programme of work of the Working Group for the period 1988-1997 included the following themes discussed in successive years: prevention of the sale of children, of the prostitution of children and of the use of children in pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991); an overall evaluation of its activities during the fourteenth, fifteenth and sixteenth sessions, as well as the consideration of any crucial, serious or urgent matters. It also decided to work by themes and to seek solutions and strategies, giving

particular attention to the following items included in the agenda: training of law enforcement officials and police, economic development programmes, information campaigns, education programmes for children in danger, new forms of legislation, rehabilitation measures and the protection of working children (1992-1994). It decided to consider the issues of illegal adoptions, domestic workers and in particular girl children (1995); the World Congress Against Commercial Sexual Exploitation of Children; migrant workers, in particular women and girl domestic workers (1996).

4. At its twenty-second session (1997), the Working Group decided to include the items of paedophilia and illegal activities of certain religious and other sects. It also decided to pay particular attention to the struggle against corruption as a promoting factor of contemporary forms of slavery. The Working Group agreed that special attention should be devoted to domestic and migrant workers.

3. Review of the implementation and follow-up to the convention on slavery

(a) Status of the conventions

5. The Commission on Human Rights, in its resolution 1994/25, and the Sub-Commission, in its resolution 1993/5, requested the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974.

6. Information relating to the status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is contained in two notes by the Secretary-General (E/CN.4/Sub.2/AC.2/1998/2 and E/CN.4/Sub.2/AC.2/1998/3, respectively).

(b) Review of information received regarding the implementation of the conventions and programmes of action

(i) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

7. The Commission on Human Rights, in its resolution 1992/74, adopted the Programme of Action for the Prevention of the Sale of Childrer, Child Prostitution and Child Pornography and decided to examine the question of the implementation of the Programme of Action by all States every two years. To that end, the Commission requested the Sub-Commission to submit to it a report on the status of implementation of the Programme of Action. The Sub-Commission, in its resolutions 1992/2, 1994/5 and 1996/12, requested the Secretary-General to invite all States to inform the Sub-Commission of the measures adopted to implement the Programme of Action. Information

submitted by States regarding the implementation of the Programme of Action was made available to the Sub-Commission at its forty-fifth session (E/CN.4/Sub.2/1993/31 and Add.1), at its forty-seventh session (E/CN.4/Sub.2/1995/29 and Add.1) and at its forty-ninth session (E/CN.4//Sub.2/1997/11) and to the Commission at its fiftieth, fifty-second and fifty-fourth sessions.

(ii) Programme of Action for the Elimination of the Exploitation of Child Labour

8. The Commission on Human Rights adopted the Programme of Action for the Elimination of the Exploitation of Child Labour in the annex to its resolution 1993/79 and recommended that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels. Furthermore, the Commission requested the Sub-Commission to submit every two years a progress report on the implementation of the Programme of Action by all States.

9. In its resolutions 1993/5 and 1995/16, the Sub-Commission requested the Secretary-General to report to the Sub-Commission at its forty-sixth and forty-eighth sessions and to the Commission at its fifty-first and fifty-third sessions on the implementation by States of the Programme of Action. The reports of the Secretary-General containing information regarding the status of implementation of the Programme of Action (E/CN.4/Sub.2/1994/34 and E/CN.4/Sub.2/1996/25) were submitted to the Sub-Commission and the Commission.

10. In its resolution 1997/22, the Sub-Commission requested the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the programme of action and to report to the Sub-Commission at its fiftieth session and to the Commission at its fifty-fifth session. As of 5 May 1998, no replies had been received.

4. Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery, including the struggle against corruption as a promoting factor of contemporary forms of slavery

11. All information received by the Secretary-General relating to the various questions considered under item 4 of the provisional agenda will be available in document E/CN.4/Sub.2/AC.2/1998/4.

12. At its twenty-second session, the Working Group decided to review its agenda and to categorize the types of exploitation. It also decided to pay particular attention, when considering the items on its provisional agenda, to the question of corruption as a factor encouraging exploitation.

(a) Economic exploitation

(i) Domestic workers and migrant workers

13. The Commission on Human Rights, in its resolutions 1989/35, 1990/63, 1991/58, 1992/47, 1993/27, 1994/25, 1995/27, 1996/61 and 1997/20, invited all Member States to consider the possibility of taking appropriate action for the

protection of particularly vulnerable groups such as children and migrant women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve those objectives. The Commission also requested Governments to pursue a policy of information, prevention and rehabilitation of women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that end.

14. Reference is made to General Assembly resolution 49/175 and Commission on Human Rights resolution 1995/21, both entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families". In its resolutions 1994/5, 1995/16, 1996/12 and 1997/22, the Sub-Commission urged States to ratify the Convention, which was adopted by the General Assembly in its resolution 45/148. Reference is also made to General Assembly resolutions 49/165, 50/168, 51/65 and 52/97, entitled "Violence against women migrant workers", in which the Assembly encouraged Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926.

(ii) Bonded labour

15. Sub-Commission resolutions relevant to bonded labour are 6 B (XXXI) of 13 September 1978; 8 (XXXIII) of 10 September 1980; 1982/15; 1985/25; 1988/31 and 1990/30.

16. In its decision 1993/112, the Commission authorized the Sub-Commission to consider the possibility of appointing a special rapporteur to update the study of Mr. A. Bouhdiba on the exploitation of child labour (E/CN.4/Sub.2/479) and to extend that study to the problem of debt bondage. The Sub-Commission, in its resolution 1993/5, decided to appoint Mrs. H.E. Warzazi as Special Rapporteur for that purpose. Moreover, the Sub-Commission decided to keep the question of debt bondage under consideration to assess the progress achieved, with a view to the elimination of that intolerable practice.

17. For further action taken on this subject by the Sub-Commission and by the Commission on Human Rights, see the following section on child labour.

(iii) Child labour

18. In its resolution 7 B (XXXII) of 5 September 1979, the Sub-Commission decided to review the question of the exploitation of child labour annually. Upon the recommendation of the Sub-Commission, the Commission on Human Rights, in its resolution 17 (XXXVI) of 29 February 1980, recommended to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Abdelwahab Bouhdiba as Special Rapporteur with the preparation of a report on the exploitation of child labour. The Council endorsed that recommendation in its decision 1980/125.

19. The Sub-Commission, in its resolutions 1990/30, 1991/34 and 1992/2, requested the Commission on Human Rights to authorize it to consider the possibility of appointing a special rapporteur to update Mr. Bouhdiba's study on the exploitation of child labour (United Nations publication, Sales No. E.82.XIV.2) and to extend that study to the problem of debt bondage.

20. The Economic and Social Council, in its resolution 1993/48, endorsed decision 1993/112 of the Commission authorizing the Sub-Commission to consider the possibility of appointing a special rapporteur to update the study.

21. The Sub-Commission, in its resolution 1993/5, taking into account the above-mentioned decision of the Commission, decided to appoint Mrs. Halima Embarek Warzazi as Special Rapporteur to update the study. In its decision 1994/103, the Commission requested the Sub-Commission to reconsider its decisions to recommend new studies and related efforts, including the appointment of a special rapporteur on child labour.

22. The Sub-Commission, in its resolution 1994/5, recommended that the Commission on Human Rights at its fifty-first session endorse the appointment of Mrs. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage. In its resolution 1995/27, the Commission on Human Rights requested the Sub-Commission to give further consideration to the proposed appointment and to make the appointment subject to the submission of a preparatory document.

23. In its resolution 1996/12, the Sub-Commission decided to study further the possible appointment of a special rapporteur on the exploitation of child labour and debt bondage, having due regard to the importance of a study on child labour.

24. The Commission, in its resolution 1997/20, and the Sub-Commission, in its resolution 1997/22, called upon States that had not yet done so to consider ratifying the pertinent international instruments, including the Forced Labour Convention, 1930 (No. 29) and the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization.

(iv) Forced labour

25. As at its previous sessions, the Working Group at its twenty-second session reaffirmed that forced labour is a contemporary form of slavery, expressed its concern at allegations that this practice had not yet been eliminated, and decided to continue to give consideration to this item at its next session.

(b) Sexual exploitation

(i) Suppression of the traffic in persons and the exploitation of the prostitution of others

26. Relevant Sub-Commission resolutions regarding this issue are 6 B (XXXI) of 13 September 1978; 1987/31; 1988/31; 1990/30; 1991/115 and 1992/3.

27. Relevant Economic and Social Council resolutions relating to this item are 1980/4; 1981/40; 1982/20; 1983/30; 1989/74; 1990/46; 1991/35; 1992/10; 1993/48.

28. In its resolution 1991/37, the Sub-Commission endorsed the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others, drawn up by the Working Group on Contemporary Forms of Slavery at its sixteenth session (E/CN.4/Sub.2/1991/41, annex I).

29. The Commission on Human Rights, in its resolution 1992/36, endorsed the views expressed by the Sub-Commission on the need to launch concerted action to combat the traffic in persons and the exploitation of the prostitution of others and decided to transmit the draft programme of action to Governments, specialized agencies and intergovernmental and non-governmental organizations for their comments.

30. Upon the request of the Commission, the Secretary-General submitted reports (E/CN.4/1993/58 and Add.1 and E/CN.4/1994/71 and Add.1) containing summaries of the comments received to the Commission at its forty-ninth and fiftieth sessions. No action was taken by the Commission at those sessions with regard to the draft programme of action and the comments contained in the above-mentioned reports.

31. In its resolution 1994/5, the Sub-Commission recommended that the Commission on Human Rights take into consideration at its fifty-first session and eventually adopt the draft programme of action. The Commission, in its resolution 1995/27, requested the Sub-Commission at its forty-seventh session to review the draft programme of action in the light of comments already received or to be received and to submit to the Commission at its fifty-second session a final draft for approval.

32. In its resolutions 1995/25, 1996/24 and 1997/19, the Commission drew the attention of the Working Group to the problem of the traffic in women and girl children.

33. At its twentieth session, and in accordance with paragraph 13 of Commission resolution 1995/27, the Working Group reviewed the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others in the light of comments received.

34. In its resolution 1995/16, the Sub-Commission transmitted to the Commission the revised draft programme of action for adoption.

35. In its resolution 1996/61, the Commission on Human Rights approved the draft programme of action as contained in document E/CN.4/Sub.2/1995/28/Add.1, while noting differences between States in the scope of applicability of their criminal legislation with regard to, inter alia, prostitution and the production, distribution and possession of pornographic material.

36. In its resolutions 1996/12 and 1997/22, the Sub-Commission requested the Secretary-General to invite all States to report periodically on measures adopted to implement the Programme of Action and the effectiveness of such measures. As of 5 May 1998, no replies had been received.

(ii) Sexual exploitation of children and activities of the Special Rapporteur on the sale of children, child prostitution and child pornography

37. Upon the recommendation of the Sub-Commission (resolution 1989/42), the Commission on Human Rights, in its resolution 1990/68, decided to appoint for a period of one year a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the

problem of the adoption of children for commercial purposes. The Commission requested the Special Rapporteur to submit a comprehensive report to the Commission at its forty-seventh session on his activities relating to these matters, including the frequency and extent of such practices, as well as his conclusions and recommendations.

38. In its resolution 1991/53, the Commission on Human Rights welcomed the preliminary assessment by the Special Rapporteur of his tasks as contained in his report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/51).

39. In its resolution 1991/54, the Commission requested the Special Rapporteur, on the basis of his experience, to consider the possibility of submitting his comments and suggestions to the Working Group on Contemporary Forms of Slavery, if possible by attending its meetings. The Sub-Commission, in its resolution 1991/34, requested the Special Rapporteur to pay increased attention to aspects relating to trafficking in children, especially trafficking with a view to organ transplantation, disappearances, the purchase and sale of children, child prostitution and participation by children in armed conflicts. This request was repeated in Sub-Commission resolution 1992/2. The Sub-Commission decided to transmit to the Special Rapporteur the information supplied to the Working Group on the above-mentioned subjects.

40. In its resolutions 1992/76, 1993/82 and 1994/92, the Commission on Human Rights welcomed the reports of the Special Rapporteur on the sale of children (E/CN.4/1992/55 and Add.1, E/CN.4/1993/67 and Add.1 and E/CN.4/1994/84 and Add.1) and endorsed his conclusions and recommendations concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography.

41. In its resolution 48/156, the General Assembly expressed its support for the work of the Special Rapporteur of examining all over the world the question of the sale of children, child prostitution and child pornography and invited him to continue providing attention to the economic, social, legal and cultural factors affecting those phenomena. The Assembly requested the Special Rapporteur to submit to it a provisional report at its forty-ninth session. In accordance with that request, the Special Rapporteur submitted his provisional report (A/49/478).

42. In its resolution 49/210, the General Assembly welcomed the provisional report and requested the Special Rapporteur to submit another provisional report at its fiftieth session.

43. In its resolution 1995/79, the Commission on Human Rights, having considered the report of the Special Rapporteur submitted to the General Assembly at its forty-ninth session, decided to renew the mandate of the newly appointed Special Rapporteur (Mrs. Ofelia Calcetas-Santos, Philippines) for a further three years and invited her, inter alia, to cooperate closely with the Working Group on Contemporary Forms of Slavery.

44. In its resolution 50/153, the General Assembly welcomed the provisional report submitted by the Special Rapporteur (A/50/456).

45. In its resolution 1996/85, the Commission on Human Rights welcomed the report submitted by the Special Rapporteur (E/CN.4/1996/100) and requested her to submit an interim report to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session.

46. In its resolution 51/77, the General Assembly welcomed the report submitted by the Special Rapporteur as a follow-up to the World Congress Against Commercial Sexual Exploitation of Children (A/51/456).

47. In its resolution 1997/78, the Commission welcomed the report submitted by the Special Rapporteur (E/CN.4/1997/95). The Special Rapporteur undertook two visits, the first to the Czech Republic from 20 to 25 May 1996 and the second to the United States of America from 9 to 20 December 1996. The mission reports are contained in documents E/CN.4/1997/95/Add.1 and E/CN.4/1997/95/Add.2, respectively. The Commission also requested her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session.

48. In its resolution 52/101, the General Assembly welcomed the interim report submitted by the Special Rapporteur (A/52/482) and requested her to submit an interim report to the Assembly at its fifty-third session.

49. In its resolution 1998/76, the Commission welcomed the report of the Special Rapporteur (E/CN.4/1998/101 and Add.1-2) and decided to renew her mandate for a further period of three years. The Special Rapporteur undertook two country visits, to Kenya and Mexico.

(iii) Follow-up to the World Congress Against Commercial Sexual Exploitation of Children

50. At its twenty-first session, the Working Group decided to include this item on the provisional agenda for its twenty-second session. At its twenty-second session, the Working Group decided to continue to give consideration to this matter.

(iv) Paedophilia

51. At its twenty-second session, the Working Group decided to include this item on the provisional agenda for its twenty-third session.

(c) Other forms of exploitation

(i) Illegal activities of certain religious and other sects

52. At its twenty-second session, the Working Group decided to include this item on the provisional agenda for its twenty-third session.

(ii) Illegal and pseudo-legal adoptions aimed at the exploitation of children

53. At its twentieth session, the Working Group decided to include this item in the provisional agenda for its twenty-first session. At its twenty-first session, the Working Group decided to continue to give consideration to this issue at its next session.

54. In its resolutions 1996/12 and 1997/22, the Sub-Commission urged States to take adequate steps to regulate and monitor intercountry adoptions better, in particular by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

(iii) Traffic in human organs and tissues

55. In its resolution 1987/32, the Sub-Commission drew the attention of the Commission on Human Rights to the recommendation of the Working Group on Contemporary Forms of Slavery that the report of the Secretary-General on the sale of children (E/CN.4/Sub.2/1987/28) be given a deeper and broader accent, including matters relating to organ transplant and the foetus trade.

56. These matters were briefly referred to in two further reports on the sale of children prepared by the Secretary-General (E/CN.4/1988/30, paras. 31 and 34; E/CN.4/Sub.2/1989/38, paras. 30, 31 and 34). More substantial study of the issue was undertaken by the Special Rapporteur of the Commission on Human Rights, Mr. V. Muntarbhorn, in his reports on the sale of children (E/CN.4/1991/51, paras. 23-25; E/CN.4/1992/55, paras. 102-108 and 311; E/CN.4/1992/55/Add.1, paras. 28, 29 and 44 (b); E/CN.4/1993/67, paras. 100-127; E/CN.4/1994/84 and Add.1, paras. 100-113 and paras. 44-46 and A/49/478, paras. 84-98). The issue was also referred to by the Special Rapporteur on the sale of children, child prostitution and child pornography, Mrs. Ofelia Calcetas-Santos, in reports she submitted to the General Assembly (A/50/456, paras. 49-50) and to the Commission on Human Rights (E/CN.4/1996/100, paras. 41-48).

57. The Sub-Commission, at its forty-fourth session, requested the Secretary-General, in its resolution 1992/2, to invite all Governments, United Nations bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, and all relevant non-governmental organizations, in particular the International Criminal Police Organization, to pursue their investigations of allegations involving the removal of organs from children and to indicate the measures taken, if any, to counteract that practice wherever it existed, with a view to presenting a report to the Working Group at its eighteenth session. This request was repeated in Sub-Commission resolutions 1993/5 and 1994/5 and the Secretary-General submitted reports to the Working Group at its nineteenth and twentieth sessions (E/CN.4/Sub.2/AC.2/1994/8 and E/CN.4/Sub.2/AC.2/1995/6, respectively).

58. The Sub-Commission repeated its request in resolution 1995/16. Consequently, the Secretary-General submitted a report (E/CN.4/Sub.2/AC.2/1996/4) to the Working Group at its twenty-first session.

59. In the same resolution, the Sub-Commission recommended that the Commission designate an expert to investigate and prepare a study on allegations regarding the removal of organs and tissues of children and adults for commercial purposes.

60. In its resolution 1996/61, the Commission on Human Rights requested the Secretary-General to examine the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes. In accordance with that resolution, a note by the Secretary-General was submitted to the Commission at its fifty-third session (E/CN.4/1997/78).

61. In its resolution 1997/20, the Commission on Human Rights requested the Secretary-General to continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to include, in an updated report, an analysis of this question, to be submitted at its fifty-fifth session.

62. In its resolution 1997/22, the Sub-Commission welcomed Commission resolution 1997/20.

(iv) Activities of the Special Rapporteur on violence against women

63. In its resolution 1994/45, the Commission on Human Rights decided to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and consequences. Subsequently, Ms. Radhika Coomaraswamy (Sri Lanka) was appointed Special Rapporteur.

64. The Special Rapporteur submitted her preliminary report to the Commission at its fifty-first session (E/CN.4/1995/42). In accordance with Commission resolution 1995/85, she submitted her first report (E/CN.4/1996/53 and Add.2) to the Commission. Ms. Coomaraswamy undertook a visit to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery during wartime (E/CN.4/1996/53/Add.1).

65. In its resolution 1997/44, the Commission welcomed the reports submitted by the Special Rapporteur (E/CN.4/1997/47 and Add.1-4) and decided to renew the mandate for a further three years. The Special Rapporteur undertook three country visits, to Poland, Brazil and South Africa.

66. In its resolution 1998/52, the Commission welcomed the reports submitted by the Special Rapporteur (E/CN.4/1998/54 and Add.1). The Special Rapporteur undertook one country visit, to Rwanda.

(v) Miscellaneous

Early marriages

67. At its nineteenth, twentieth and twenty-first sessions, the Working Group took note of information provided on the issue of early marriages. At its twenty-second session, the Working Group decided to biennialize the consideration of this item.

Incest

68. At its twenty-second session, the Working Group decided to biennialize the consideration of this item. It also decided to consider ways to combat incest and sexual abuse of children inside the family, and emphasized the urgent need for adequate help to be offered to victims of such practices. The Working Group urged Governments to make confidential facilities available for children to make disclosures of the situation and to obtain advice; it also urged Member States to take adequate steps to punish suitably the perpetrators of that most heinous offence.

Detained juveniles

69. The Sub-Commission, in its resolution 1991/16, entitled "The application of international standards concerning the human rights of detained juveniles", requested the Secretary-General to explore the feasibility of organizing a meeting of experts under the auspices of the then Centre for Human Rights, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs on the application of international standards concerning the human rights of detained juveniles.

70. The Commission on Human Rights, in its resolution 1993/80, welcomed the proposal by the Secretary-General to organize such a meeting, within the framework of the programme of human rights activities for 1994. The Commission also expressed the wish that the Committee on the Rights of the Child and the Working Group on Contemporary Forms of Slavery and the Working Group on Detention of the Sub-Commission should be represented at the meeting of experts, together with the specialized non-governmental organizations, in particular those of juvenile court judges. The proposal to organize such a meeting was approved by the Economic and Social Council in its decision 1993/280. The expert group meeting on children and juveniles in detention was convened at Vienna from 30 October to 4 November 1994. It submitted a report to the Commission at its fifty-first session (E/CN.4/1995/100). Having considered the report, the Commission, in its resolution 1995/41, called upon the working groups which already had given special attention to questions relating to the effective protection of human rights in the administration of justice to continue to provide specific recommendations in that regard. The Commission also requested the Secretary-General to submit to it a report on the issue at its fifty-second session.

71. In its resolution 1994/9, entitled "Situation of children deprived of their liberty", the Sub-Commission requested the Secretary-General to submit to it at its forty-seventh session a note on the situation of children deprived of their liberty. In accordance with that request, the Secretary-General submitted to the Sub-Commission at its forty-seventh session a note on the situation of children deprived of their liberty (E/CN.4/Sub.2/1995/30 and Add.1).

72. In its resolution 1996/32, the Commission on Human Rights took note of the report of the Secretary-General (E/CN.4/1996/31 and Add.1) on children and juveniles in detention submitted in accordance with Commission resolution 1995/41. The Commission called upon Working Groups to continue to give special attention to questions relating to the effective protection of human rights in the administration of justice and to provide specific recommendations in that regard. It also called upon all States to give high priority to the promotion and protection of all rights of the child and juveniles in the administration of justice. The Commission requested the Secretary-General to report to it on the issue at its fifty-third session.

73. In its decision 1997/106, the Commission welcomed the report of the Secretary-General (E/CN.4/1997/26) and requested him to submit an updated report at its fifty-fourth session. The Commission decided to resume, on a

biennial basis, consideration of this question at its fifty-fourth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

74. In its resolution 1998/32, the Commission took note of the report of the Secretary-General (E/CN.4/1998/35) and requested him to submit a report to the Commission at its fifty-sixth session on practical measures for the implementation of the international standards in the field of human rights in the administration of justice, in particular juvenile justice, including on the role of technical assistance in this regard. It also decided to consider this item at its fifty-sixth session under the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

Slavery during wartime

75. In its resolution 1993/24, the Sub-Commission decided to entrust Ms. Linda Chavez as special rapporteur with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict. The Commission on Human Rights, in its decision 1994/103 requested the Sub-Commission to reconsider its decision.

76. The Sub-Commission, in its decision 1994/109, decided to invite Ms. Linda Chavez to submit, without financial implications, a working paper on the issue at its forty-seventh session. In accordance with that request, Ms. Chavez submitted a working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime including internal armed conflict (E/CN.4/Sub.2/1995/38).

77. In its decision 1996/107, the Commission on Human Rights, at its fifty-second session, endorsed the decision of the Sub-Commission to appoint Ms. Chavez Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict.

78. In its resolution 1996/11, the Sub-Commission welcomed the preliminary report submitted by the Special Rapporteur (E/CN.4/Sub.2/1996/26) and requested her to submit her final report to the Sub-Commission at its forty-ninth session in conformity with the plan contained in her working paper (E/CN.4/Sub.2/1995/38).

79. In its decision 1997/114, the Sub-Commission took note of the letter from Ms. Chavez in which she informed the High Commissioner of her resignation as Special Rapporteur and her inability to submit the final report, and decided to entrust Ms. Gay J. McDougall with the task of completing the study for submission to the Sub-Commission at its fiftieth session.

Draft optional protocol on the sale of children, child prostitution and child pornography

80. The General Assembly, in its resolution 48/156, requested the Commission on Human Rights to consider, at its fiftieth session, the creation of a working group to study, as a matter of priority, the elaboration of

guidelines, in close contact with the Special Rapporteur, for a possible draft optional protocol on the issues related to the sale of children, child prostitution and child pornography, as well as the basic measures required for preventing and eradicating those serious problems. Following this request, the Commission on Human Rights, in its resolution 1994/90, decided to set up an open-ended inter-sessional working group, which would meet for two weeks prior to the fifty-first session of the Commission, and to include that issue as a specific sub-item of the agenda item "Rights of the Child", entitled "Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication". In its resolution 1994/9, the Economic and Social Council authorized the establishment of the working group.

81. In accordance with Commission resolutions 1994/90, 1995/78, 1996/85 and 1997/78, the working group held four sessions: from 14 to 25 November 1994, from 29 January to 9 February 1996, from 3 to 14 February 1997 and from 19 to 30 January 1998. The working group submitted reports on each session to the Commission (E/CN.4/1995/95; E/CN.4/1996/101; E/CN.4/1997/97; E/CN.4/1998/103).

82. The Commission, in its resolution 1998/76, requested the working group to meet for a period of two weeks prior to the next session of the Commission and to redouble its efforts with the aim of finalizing the draft optional protocol by the tenth anniversary of the Convention on the Rights of the Child.

Sex tourism

83. In its resolution 1992/2, the Sub-Commission requested the Secretary-General to convey to the World Tourism Organization the grave concern of the Working Group on Contemporary Forms of Slavery with regard to sex tourism, together with a request that it convene, as a matter of priority, a meeting to discuss the consequences of sex tourism and ways of preventing that phenomenon, in particular when the prostitution of children was involved.

84. In its resolution 1993/5, the Sub-Commission requested the Secretary-General to convey to the World Tourism Organization the Working Group's grave concern at the information received during its eighteenth session with regard to the persistence and the development of sex tourism.

85. In its resolution 1994/5, the Sub-Commission requested the Secretary-General to appeal to the World Tourism Organization to inscribe on the agenda for its next conference an item on sex tourism and its development.

86. In its resolutions 1995/16, 1996/12 and 1997/22, the Sub-Commission recommended that Governments prohibit the advertising or publicizing of sex tourism and that they not facilitate other commercial activities involving sexual exploitation. In resolution 1995/16, it also welcomed the convening of the World Congress Against Commercial Sexual Exploitation of Children in 1996.

Child soldiers

87. In its resolutions 1989/41, 1990/30 and 1991/34, the Sub-Commission expressed its deep concern at the fact that in many regions of the world children were still taking part in hostilities and were being recruited into the armed forces, and that certain Governments and non-governmental entities encouraged and sometimes compelled children to take part in military training and participate in hostilities.

88. At its forty-second session, the Sub-Commission had before it the report on the recruitment of children into government and non-governmental armed forces (E/CN.4/Sub.2/1990/43 and Add.1 and 2) submitted by the Secretary-General in accordance with the request contained in Sub-Commission resolution 1989/41.

89. The Sub-Commission, in its resolution 1991/34, requested the Secretary-General to update his report on the recruitment of children into government and non-governmental armed forces on the basis of the information provided by Governments, the specialized agencies and intergovernmental and non-governmental organizations concerned and to submit it to the Sub-Commission at its forty-fourth session.

90. In its resolution 1992/2 the Sub-Commission, at its forty-fourth session, having examined the report of the Secretary-General (E/CN.4/Sub.2/1992/35 and Add.1), requested the Working Group to continue to give attention to that question at its eighteenth session. This request was repeated in resolution 1993/5 of the Sub-Commission.

91. The General Assembly, in its resolution 48/157, expressed its concern about the situation of the traffic of children in many parts of the world as a result of armed conflicts and urged all Member States to continue seeking comprehensive improvement of that situation, taking appropriate and concrete measures to alleviate it. The Assembly also requested bodies and organizations of the United Nations, as well as intergovernmental and non-governmental organizations, within the scope of their respective mandates, to cooperate in order to ensure more effective action in addressing the problem of the children affected by armed conflicts. Pursuant to the request contained in the same resolution, the Secretary-General submitted a report to the General Assembly at its forty-ninth session on concrete measures taken to alleviate the situation of children in armed conflicts (A/49/411).

92. In the same resolution, the General Assembly requested the Secretary-General to appoint an expert, working in collaboration with the Centre for Human Rights and the United Nations Children's Fund, to undertake a comprehensive study on the protection of children directly or indirectly participating in armed conflicts, as well as the relevance and adequacy of existing standards, and to make specific recommendations on ways and means to prevent children from being affected by armed conflicts, to improve and to ensure their protection, including against the indiscriminate use of all weapons of war, especially anti-personnel mines, and to promote their physical and psychological recovery and social reintegration, in particular measures to ensure proper medical care and adequate nutrition, taking into account the

recommendations of the World Conference on Human Rights (A/CONF.157/23, part II, para. 50) and the Committee on the Rights of the Child (CRC/C/16). Following this request, the Secretary-General decided to appoint as an expert on that issue Ms. Graça Machel (Mozambique). The General Assembly further requested Member States, United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations, including the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the International Committee of the Red Cross, to contribute to the above-mentioned study. At the request of the Assembly, the Secretary-General submitted a progress report on the study at its forty-ninth session (A/49/643).

93. In its resolution 50/153, the General Assembly took note of the report of the Secretary-General on concrete measures taken to alleviate the situation of children in armed conflicts (A/50/672). It also expressed its support for the work of the expert designated to undertake a study on the situation of children affected by armed conflict.

94. In its resolution 51/77, the General Assembly welcomed the final report submitted by Ms. Machel on the impact of armed conflicts on children (A/51/306 and Add.1) and recommended that the Secretary-General appoint for a period of three years a special representative on the impact of armed conflicts on children.

95. In its resolution 52/107, the General Assembly welcomed the appointment of Mr. Olara Otunnu as the Special Representative of the Secretary-General for children in armed conflict.

96. The Commission, in its resolution 1994/91, recommended to the Economic and Social Council that it authorize an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. The working group used as a basis for discussion the preliminary draft optional protocol on the involvement of children in armed conflicts prepared by the Committee on the Rights of the Child (E/CN.4/1994/91).

97. The working group held its first, second, third and fourth sessions from 31 October to 11 November 1994, from 15 to 26 January 1996, from 20 to 31 January 1997 and from 2 to 13 February 1998. It submitted its reports to the Commission on Human Rights at its fifty-first, fifty-second, fifty-third and fifty-fourth sessions (E/CN.4/1995/96, E/CN.4/1996/102, E/CN.4/1997/96 and E/CN.4/1998/102).

98. In its resolution 1998/76, the Commission requested the Secretary-General to give the necessary support to the working group to meet again for a maximum of two weeks, if the working group decided that an agreement on the draft optional protocol was possible at that session.

Organization of work

99. In its resolution 1991/34, the Sub-Commission requested the Secretary-General to examine the possibility of organizing the sessions of the Working Group on Contemporary Forms of Slavery for eight working days during the month of April or May, in order to avoid overlapping with meetings of other working groups of the Sub-Commission and the burden that placed on the Secretariat, and in view of the impossibility of representatives of Governments and non-governmental organizations attending simultaneous sessions. This request was approved by the Commission on Human Rights in its decision 1992/115.

100. The Economic and Social Council, in its resolution 1993/48, approved the endorsement by the Commission on Human Rights in resolution 1993/27 of the recommendation made by the Sub-Commission, in its resolution 1992/2, that the arrangements regarding the organization of the session of the Working Group, as contained in Commission decision 1992/115, be repeated in subsequent years.

5. Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

101. In its resolution 46/122 of 17 December 1991, the General Assembly decided to establish the United Nations Trust Fund on Contemporary Forms of Slavery. The purposes of the Fund are, first, to assist representatives of non-governmental organizations from different regions dealing with issues of contemporary forms of slavery to participate in the deliberations of the Working Group by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery.

102. The Fund is administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who serve in their personal capacity. The members of the Board of Trustees are appointed by the Secretary-General for a three-year renewable term, in consultation with the current chairperson of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard to equitable geographical distribution.

103. In its resolution 46/122, the General Assembly appealed to all Governments to respond favourably to requests for contributions to the Fund. A similar appeal was made by the Commission on Human Rights in its resolutions 1992/46, 1994/24, 1995/27, 1996/61 and 1997/20 and by the Sub-Commission in its resolutions 1992/2, 1993/5, 1994/6, 1995/15, 1996/18 and 1997/21.

104. The Commission, in its resolutions 1992/46, 1993/26, 1994/24, 1995/27, 1996/61 and 1997/20, requested the Secretary-General to transmit to all Governments the appeal of the Commission for contributions to the Fund and to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia through the preparation, production and dissemination of information material, in its efforts to make the Fund and its humanitarian work better known.

105. In its resolution 1994/6, the Sub-Commission considered it essential, in order to make the Trust Fund more effective, that the General Assembly consider amending the criteria for the Fund contained in resolution 46/122 by reversing the order of subparagraphs 1 (e) (i) and 1 (e) (ii). It recommended that the Commission endorse that recommendation at its fifty-first session. In its resolution 1995/27, however, the Commission expressed doubts concerning the sufficiency of the recommendation.

106. In its resolution 1995/15, the Sub-Commission recommended that, in order better to reflect the aims of the Fund, the Board of Trustees should consider renaming the Fund.

107. The Commission, in its resolution 1996/61, invited the Secretary-General to examine the feasibility of alignment and harmonization of the procedures and support mechanisms of the Trust Fund with other existing procedures and mechanisms and to report on that matter to the Commission at its fifty-third session.

108. In accordance with General Assembly resolution 46/122, after consultation with the Chairperson of the forty-third session of the Sub-Commission, the Secretary-General decided to appoint the following five members to the Board of Trustees of the Fund for the three-year term of office expiring on 31 December 1995: Mr. Cheikh Saad-Bouh Kamara (Africa), Mr. Swami Agnivesh (Asia), Mr. Michel Bonnet (Western Europe), Mrs. Tatiana Matveeva (Eastern Europe) and Ms. Eugenia Zamora Chavarría (Latin America).

109. The first session of the Board of Trustees of the Fund was held at the United Nations Office at Geneva from 22 to 26 March 1993. After having been postponed twice, the second session of the Board of Trustees was held from 28 August to 1 September 1995 at the United Nations office at Geneva. The reports of the first and second sessions are contained in documents E/CN.4/1996/85 and E/CN.4/1996/86, respectively.

110. The mandate of the members of the Board expired on 31 December 1995. In August 1996, after consultations with the Chairman of the forty-seventh session of the Sub-Commission, the Secretary-General appointed Mr. José de Souza Martins (Brazil) and Ms. Lesley Roberts (United Kingdom) to replace Ms. Eugenia Zamora Chavarría (Uruguay) and Mr. Michel Bonnet (France) upon their resignation and extended the mandates of Mr. Swami Agnivesh (India), Mr. Cheikh Saad-Bouh Kamara (Mauritania) and Ms. Tatiana Matveeva (Russian Federation). The Board of Trustees is therefore composed, for a three-year term (until 31 December 1998), of Mr. Agnivesh, Ms. Matveeva, Ms. Roberts, Mr. Cheikh Saad-Bouh Kamara and Mr. Martins.

111. The Board of Trustees held its third session from 17 to 19 March 1997. During the session, the Board examined 12 applications for assistance to representatives of non-governmental organizations for their participation in the twenty-second session of the Working Group on Contemporary Forms of Slavery and 12 requests for financial assistance for projects submitted by non-governmental organizations for the benefit of victims of contemporary forms of slavery. The members of the Board made recommendations for six travel grants and three project grants. At its twenty-second session, the

Working Group heard the testimonies of six persons on behalf of five NGOs. The sixth NGO recommended by the Board of Trustees could not attend the twenty-second session and will therefore be represented at the present session of the Working Group.

112. Moreover, during the session, the Board reviewed its guidelines and criteria for selection on the basis of guidelines and criteria used by the other United Nations voluntary trust funds in the field of human rights, bearing in mind the above-mentioned invitation by the Commission on Human Rights to align and harmonize the procedures and support mechanisms of the Fund with other existing procedures and mechanisms. It should also be noted that, in the process of restructuring the Office of the High Commissioner for Human Rights, a provisional team was established to manage five United Nations voluntary and trust funds in the field of human rights, specifically dealing with torture, indigenous people, slavery and racial discrimination, which allowed greater coordination among the various funds.

113. Due to the lack of funds, the Board of Trustees could not hold its fourth session scheduled for 16-18 March 1998.

6. Adoption of the report of the Working Group to the Sub-Commission on Prevention of Discrimination and Protection of Minorities

114. Under rule 37 of the rules of procedure, the Working Group is to report to the Sub-Commission on the work of its session.